

REVIEW OF BOARD PROCEDURES

Code **BCBL**

Issued **12/10/78**

Revised **4/8/92:4/9/97**

Constitutional and Statutory Provisions:

Article 1, §22, South Carolina Constitution provides for due process before administrative agencies, including judicial review of their decisions. The degree of review varies depending upon statutory provisions. Sometimes the review is limited to conclusions of law; at other times, there is review of both finding of fact and conclusion of law. In some cases, a new or second hearing may be granted.

Section 1-23-310, et seq., provide procedures for contesting the final decision of state agencies and state boards, such as the State Board of Education, in Circuit Court.

In cases involving teacher salary discrimination, the State Board has authority to review both findings of fact and law, plus accept additional evidence. Appeal of errors of law may be made to the Circuit Court, then to the Supreme Court. (See §59-25-710, et seq., South Carolina Code.)

Decisions of the State Board on revocation of the teacher certificates are reviewable as to errors of law only by the Circuit Court, then the Supreme Court. (See §59-25-260, South Carolina Code.)

State Board Rule: